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FROM: GENEVA
 TO: Secretary of State
 NO: SECTO 450, AUGUST 1, MIDNIGHT

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 AUGUST 2, 1959
 12:34 A.M.AUG 3 AM
 DEPARTMENT OF STATEDEPARTMENT OF
 FOREIGN AFFAIRS
 MESSAGE CENTERSENT DEPARTMENT SECTO 450, REPEATED INFORMATION MOSCOW 62,
 PARIS 53, LONDON 90, BONN 49, BERLIN 44MOSCOW PARIS LONDON BONN BERLIN EYES ONLY AMBASSADOR AND
 GUFLER RESPECTIVELY.

LIMIT DISTRIBUTION - PRIVATE SESSION

FOLLOWING LUNCH TODAY SECRETARY DISCUSSED RIGHTS QUESTION WITH GROMYKO FOR ALMOST THREE HOURS. DESPITE PERSISTENT AND CONCENTRATED GRILLING BY SECRETARY WITH AIM OF ELICITING CLEAR STATEMENT THAT SOVIETS ACKNOWLEDGE INTERIM AGREEMENT DOES NOT AFFECT JURIDICAL SITUATION, GROMYKO'S RESPONSE WAS ESSENTIALLY VERBATIM REPETITION OF POSITION EXPRESSED AT YESTERDAY'S PRIVATE MEETING OF FOUR FOREIGN MINISTERS. AS RESULT OF SECRETARY'S REPEATED STRESS ON FUNDAMENTAL IMPORTANCE WEST ATTACHES TO CLARIFICATION OF RIGHTS QUESTION, GROMYKO NOW SHOULD CLEARLY UNDERSTAND NO AGREEMENT IS POSSIBLE WITHOUT EXPLICIT UNDERSTANDING THAT RIGHTS REMAIN UNIMPAIRED.

SECRETARY BEGAN DISCUSSION BY INFORMING GROMYKO THAT WHAT WEST SEEKS IS NOT SOVIET ACKNOWLEDGMENT OF PERMANENCY OF OCCUPATION RIGHTS BUT SIMPLY STATEMENT THAT GROMYKO AGREES JURIDICAL SITUATION AT END OF INTERIM AGREEMENT WILL BE EXACTLY SAME AS NOW. CLARIFICATION OF THIS QUESTION, SECRETARY SAID, WAS ESSENTIAL FOR WEST ESPECIALLY IN VIEW OF PAST SOVIET STATEMENTS, FOR EXAMPLE THOSE IN JUNE 9 PROPOSAL, THAT SOVIET INTENTION IS TO EXTINGUISH ALLIED RIGHTS. IT WOULD MEET WEST'S REQUIREMENT IN THIS RESPECT IF SOVIETS WERE PREPARED TO INCLUDE

IN TEXT

SECRET

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LAW Dated *10/10/61*

SECRET

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IN TEXT OF INTERIM BERLIN SETTLEMENT A STATEMENT THAT AGREEMENT IN NO WAY INVOLVES THE QUESTION OF RIGHTS.

GROMYKO COULD NOT AGREE THAT TEXT SHOULD INCLUDE SUCH A STATEMENT SINCE THIS WOULD OBLIGE EACH SIDE PUBLICLY TO EXPRESS ITS POSITION ON RIGHTS QUESTION AND THIS WOULD ONLY COMPLICATE SITUATION. WEST'S POSITION IS THAT OCCUPATION REGIME SHOULD BE CONTINUED INDEFINITELY; SOVIET POSITION IS THAT OCCUPATION REGIME IS OUT-MODED AND SHOULD BE ENDED. BEST WAY TO FORESTALL PUBLIC EXPRESSION OF SUCH SHARPLY CONFLICTING POSITIONS WOULD BE TO AVOID ANY MENTION OF RIGHTS IN TEXT OF TEMPORARY AGREEMENT. IT SHOULD BE CONFINED TO DEFINITION OF AGREED CONCRETE ARRANGEMENTS FOR PRESCRIBED PERIOD IN BERLIN. SECRETARY SHOULD UNDERSTAND THAT SOVIET JUNE 9 PROPOSAL WAS SUPERSEDED BY JUNE 19 PROPOSAL WHICH PRESCRIBES NOT END OF OCCUPATION REGIME BUT BEGINNING OF NEGOTIATIONS WHEN INTERIM AGREEMENT EXPIRES.

SECRETARY POINTED OUT THAT IF, AS GROMYKO MAINTAINS, OCCUPATION REGIME DOES NOT AUTOMATICALLY END AT EXPIRATION OF INTERIM AGREEMENT THEN PRESUMABLY ALLIED RIGHTS WOULD REMAIN VALID. WHILE THIS APPEARED TO BE LOGICAL IMPLICATION OF GROMYKO'S POSITION, HIS REFUSAL TO MAKE CLEAR STATEMENT TO THIS EFFECT RAISED QUESTION IN SECRETARY'S MIND AS TO REAL SOVIET INTENTIONS. IT IS PRECISELY TO REMOVE THE SUSPICION THAT THE SOVIETS REGARD AN INTERIM AGREEMENT AS A FIRST STEP TOWARD ULTIMATE LIQUIDATION OF ALLIED RIGHTS THAT WEST MUST HAVE UNEQUIVOCAL UNDERSTANDING THAT SOVIETS AGREE JURIDICAL SITUATION WOULD REMAIN UNCHANGED.

GROMYKO REPLIED THIS WAS IMPOSSIBLE REQUEST TO PUT TO SOVIETS. HE WOULD BE PREPARED TO SAY THAT QUESTION OF RIGHTS WAS NOT RAISED IN CONNECTION WITH NEGOTIATION OF INTERIM AGREEMENT; BUT HE COULD NOT AGREE TO INCLUSION IN TEXT OF AGREEMENT OF STATEMENT THAT AGREEMENT DOES NOT INVOLVE RIGHTS. LATTER WOULD BE CONSTRUED AS SOVIET ENDORSEMENT OF PROLONGATION OF OCCUPATION REGIME WHICH WOULD BE DIRECTLY CONTRARY TO SOVIET POSITION. SECRETARY THEN SAID HE MUST BE COMPLETELY FRANK WITH GROMYKO. HE SHOULD UNDERSTAND THAT SO LONG AS ANY DOUBT EXISTS IN SECRETARY'S MIND AS TO SOVIET INTENTIONS WITH REGARD TO ALLIED RIGHTS NO INTERIM AGREEMENT OF ANY KIND WOULD BE POSSIBLE. DESPITE GROMYKO'S REPEATED ASSURANCES THAT WEST'S SUSPICIONS ARE UNFOUNDED, SECRETARY COULD NOT AVOID FEELING THAT HIS EVASIVE BEHAVIOR DURING RECENT DAYS' DISCUSSIONS OF RIGHTS QUESTION

MEANS

SECRET

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MEANS THAT SOVIETS DO IN FACT REGARD INTERIM AGREEMENTS AS SIGNIFICANT STEP TOWARD ULTIMATE LIQUIDATION OF ALLIED RIGHTS. THE SECRETARY SAID THAT THE LONGER THIS DISCUSSION WENT ON THE MORE CONVINCED HE BECAME OF THIS.

AS THE SECRETARY LEFT, HE ASKED GROMYKO IF, IN LIKELY EVENT OF FAILURE TO REACH AGREEMENT BY WEDNESDAY, HE WOULD BE WILLING TO AGREE TO RECESS NEGOTIATIONS UNTIL SEPTEMBER WHEN ALL FOREIGN MINISTERS WOULD BE IN US FOR GA SESSION. GROMYKO SAID HE DID NOT FAVOR RECESS "WITHOUT SOME RESULTS", BUT INDICATED HE WOULD BE PREPARED DISCUSS SUBJECT FURTHER.

NO QUADRIPARTITE MEETINGS SCHEDULED, BUT LLOYD LUNCHES WITH GROMYKO MONDAY.

FOLLOWING MEETING, WESTERN FOREIGN MINISTERS REVIEWED SITUATION AT VILLA GRETA. THEY AGREED THAT QUESTION OF RIGHTS WAS ABSOLUTE STICKING POINT. IT WAS ALSO AGREED THAT WESTERN COORDINATING GROUP WOULD MEET TOMORROW TO REVIEW POSITIONS IN ORDER TO BE PREPARED IN IMPROBABLE EVENTUALITY THAT GROMYKO AT LAST MOMENT MIGHT GIVE ON RIGHTS ISSUE.

HERTER

SMD